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7 Attorneys for Plaintiff

8 **UNITED STATES DISTRICT COURT**

9 **CENTRAL DISTRICT OF CALIFORNIA**

10 THERESA BROOKE, a married woman
11 dealing with her sole and separate claim,

12 Plaintiff,

13 vs.

14 1601 STATE STREET HOTEL
15 INVESTORS LP, a California limited
16 partnership,

17 Defendant.

Case No:

VERIFIED COMPLAINT

(JURY TRIAL DEMANDED)

18 Plaintiff alleges:

19 **PARTIES**

20 1. Plaintiff Theresa Brooke is a married woman. Plaintiff is legally disabled,
21 and is therefore a member of a protected class under the ADA, 42 U.S.C. § 12102(2),
22 the regulations implementing the ADA set forth at 28 CFR §§ 36.101 et seq., the
23 California Unruh Civil Rights Act. Plaintiff ambulates with the aid of a wheelchair due
24 to the loss of a leg.

25 2. Defendant, 1601 State Street Hotel Investors LP, owns and/or operates
26 and does business as the hotel Courtyard Santa Barbara Downtown located at 1601
27 State Street, Santa Barbara, California 93101. Defendant's hotel is a public
28 accommodation pursuant to 42 U.S.C. § 12181(7)(A), which offers public lodging

1 services. On information and belief, Defendant's hotel was built or renovated after
2 March 15, 2012.

3 **JURISDICTION**

4 3. Jurisdiction in this Court is proper pursuant to 28 U.S.C. §§ 1331 and 42
5 U.S.C. § 12188.

6 4. Plaintiff's claims asserted herein arose in this judicial district and
7 Defendant does substantial business in this judicial district.

8 5. Venue in this judicial district is proper under 28 U.S.C. § 1391(b) and (c)
9 in that this is the judicial district in which a substantial part of the acts and omissions
10 giving rise to the claims occurred.

11 6. Pursuant to *Arroyo v. Rosas*, supplemental jurisdiction is appropriate over
12 Plaintiff's Unruh claim. On a case-specific analysis, there are no compelling reasons to
13 decline jurisdiction.

14 **ALLEGATIONS**

15 7. Plaintiff alleges that Defendant's hotel does not have a compliant access
16 aisle at the passenger loading zone adjacent to the hotel lobby in violation of Sections
17 209 and 503 of the 2010 Standards. An access aisle has specific requirements to be
18 compliant with the Standards: It must be (1) 60 inches wide and at least 20 feet long, (2)
19 it must have an accessible route adjoining it, and (3) it cannot be within a vehicular
20 way. Section 503.3.

21 8. The requirement for an access aisle at a passenger loading zone is
22 immensely important for a person in a wheelchair such as Plaintiff, as it provides safe
23 access to the entry of the hotel and deters others from placing encumbrances or
24 obstacles there such as a vehicle parking. An access aisle is akin to a cross-walk for
25 pedestrians. Absence of an access aisle where required creates dangerous conditions for
26 a person in a wheelchair such as Plaintiff.

27 9. Plaintiff formerly worked in the hospitality industry. She is an avid
28 traveler across California for purposes of leisure travel and to "test" whether various

1 hotels comply with disability access laws, doing so at least once per month. Testing is
2 encouraged by the Ninth Circuit.

3 10. In early June 2025, Plaintiff personally visited Defendant's hotel, which
4 has a passenger loading zone. Defendant's hotel has a passenger loading zone because
5 the area says "3 Min Passenger" and Defendant posts a sign that reads "Pickup and
6 Dropoff."

7 11. While at Defendant's hotel, she discovered that Defendant's hotel has a
8 barrier to entry to the lobby, which is that the passenger loading zone does not have an
9 access aisle compliant with Section 503.3. It is an absolute requirement to have an
10 access aisle at a passenger loading zone pursuant to Sections 209 and 503. The
11 requirement of an access aisle at a passenger loading zone relates to Plaintiff's
12 disability of not having one leg and being forced to use a wheelchair because access
13 aisles are required so persons in a wheelchair can maneuver without threat of danger
14 from other vehicles and without other encumbrances obstructing their pathway. The
15 lobby, therefore, is inaccessible to Plaintiff by way of the passenger loading zone
16 because there is no access aisle.

17 12. Plaintiff gained actual and personal knowledge of a barrier while visiting
18 Defendant's hotel (no access aisle at passenger loading zone), and as a result, she was
19 deterred from entering the hotel both from the barrier and due to the lack of equality.

20 13. It should also be noted that had Defendant provided an access aisle or
21 equivalent facilitation, Plaintiff still could not enter the Hotel because there are stairs
22 leading to the Lobby entrance, and there is no signage directing a person in a
23 wheelchair to an accessible entrypoint, if any. Plaintiff does not allege this barrier here
24 in an effort to minimize damages to Defendant, but she will insist on signage and/or
25 other means of accessible entry if the case is settled. Plaintiff reserves the right to
26 amend her Complaint should resolution not occur.

1 14. Plaintiff has certain plans of returning and staying at the Hotel in October
2 2025 during one of her many trips across California, in the hopes that Defendant will
3 have remediated the barrier by then.

4 15. It is readily achievable and inexpensive to modify the hotel to provide an
5 access aisle, which involves painting and measuring tools.

6 16. Without injunctive relief, Plaintiff and others will continue to be unable to
7 independently use Defendant's hotel in violation of her rights under the ADA.

8 **FIRST CAUSE OF ACTION**

9 17. Plaintiff incorporates all allegations heretofore set forth.

10 18. Defendant has discriminated against Plaintiff and others in that it has
11 failed to make its public lodging services fully accessible to, and independently usable
12 by, individuals who are disabled in violation of 42 U.S.C. § 12182(a) and §
13 12182(b)(2)(iv) and the 2010 Standards, as described above.

14 19. Defendant has discriminated against Plaintiff in that it has failed to
15 remove architectural barriers to make its lodging services fully accessible to, and
16 independently usable by individuals who are disabled in violation of 42 U.S.C.
17 §12182(b)(A)(iv) and the 2010 Standards, as described above. Compliance with the
18 2010 Standards would neither fundamentally alter the nature of Defendant's lodging
19 services nor result in an undue burden to Defendant.

20 20. In violation of the 2010 Standards, Defendant's hotel passenger loading
21 zone does not have a disability access aisle compliant with Section 503.3 of the
22 Standards.

23 21. Compliance with 42 U.S.C. § 12182(b)(2)(A)(iv) and the 2010 Standards,
24 as described above, is readily achievable by the Defendant. *Id.* Readily achievable
25 means that providing access is easily accomplishable without significant difficulty or
26 expense.
27
28

1 29. Pursuant to Unruh, Plaintiff is entitled to attorney's fees and costs in an
2 amount to be proven at trial.

3 WHEREFORE, Plaintiff demands judgment against Defendant as follows:

- 4 a. Declaratory Judgment that at the commencement of this action Defendant
5 was in violation of the specific requirements of Unruh; and
- 6 b. Permanent injunction pursuant to 42 U.S.C. § 12188(a)(2) and 28 CFR §
7 36.504(a) which directs Defendant to take all steps necessary to bring its
8 passenger loading zone into full compliance with the requirements set
9 forth in the ADA;
- 10 c. Payment of costs and attorney's fees;
- 11 d. Damages in the amount of \$4,000.00; and
- 12 e. Provision of whatever other relief the Court deems just, equitable and
13 appropriate.

14 **DEMAND FOR JURY TRIAL**

15 Plaintiff hereby demands a jury trial on issues triable by a jury.

16 RESPECTFULLY SUBMITTED this 6th day of June, 2025.

17 

18 _____
19 P. Kristofer Strojnik (242728)
20 Attorneys for Plaintiff

21 **VERIFICATION**

22 I declare under penalty of perjury that the foregoing is true and correct.

23 DATED this 6th day of June, 2025.

24 

25 _____
26 Theresa Marie Brooke
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